No.

2010 RD 1488 CR1 1 00596

EJD

UNITED STATES DISTRICT COURT

PSC

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

HICHARD W. WILLIAM CLERK US DISTRICT OF THE

UNITED STATES OF AMERICA

VS.

MARIA HERNANDEZ aka "STELLA" and

ADRIAN GAMINO

INDICTMENT

<u>Count One</u>: 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute and Distribute Methamphetamine

<u>Count Two</u>: 21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute and Distribution of Methamphetamine

A true bill.

Mary Elizabeth Sladek Foreperson

Filed in open court this 24 th day of August

A.D. 2011

UNITED STATES MAGISTRATE JUDGE

Bail. \$ NO bail arest worronty

DOCIMENT NO CSA'S INITIALS

DISTRICT COURT
CRIMINAL CASE PROCESSING

MELINDA HAAG (CABN 132612) 1 United States Attorney 2 Filed
AUG 2 6 2011 3 4 5 CLERK, U.S. DISTRICT COURT CLERK, U.S. DISTRICT OF CALIFORNIA б 7 UNITED STATES DISTRICT COURT 8 EJL NORTHERN DISTRICT OF CALIFORNIA 9 SAN JOSE DIVISION 10 11 00596 UNITED STATES OF AMERICA, 12 VIOLATIONS: 21 U.S.C. § 846 – Plaintiff, 13 Conspiracy to Possess with Intent to Distribute and Distribute 14 Methamphetamine; 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and 15 MARIA HERNANDEZ Distribution of Methamphetamine; 18 a/k/a"STELLA" and U.S.C.§ 2 -- Aiding and Abetting; ADRIAN GAMINO, 16 SAN JOSE VENUE 17 Defendants. 18 INDICTMENT 19 The Grand Jury charges: 20 **COUNT ONE: (21 U.S.C. § 846)** 21 Beginning on a date unknown to the Grand Jury but no later than on or about April 21, 22 2011, in the Northern District of California, and elsewhere, the defendants, 23 MARIA HERNANDEZ 24 a/k/a "STELLA" and ADRIAN GAMINO. 25 did knowingly and intentionally conspire to possess with intent to distribute, and to distribute, a 26 Schedule II controlled substance, to wit: 5 grams or more of methamphetamine, its salts, isomers, 27 28 INDICTMENT

1	and salts of its isomers, in violation of Title 21, United States Code, Sections 846, 841(a)(1), an		
2	841(b)(1)(B)(viii).		
3	<u>COUNT TWO</u> : (21 U.S.C. § 841(a)(1))		
4	On or about April 21, 2011 in the Northern District of California, the defendants,		
5 6	MARIA HERNANDEZ a/k/a "STELLA"and ADRIAN GAMINO,		
7	each aided and abetted by the other, did knowingly and intentionally possess with intent to		
8	distribute and distribute a Schedule II controlled substance, to wit: 5 grams or more of		
9	methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United		
10	States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii)) and Title 18, United States Code, Section		
11	2.		
12			
13	DATED: A TRUE BILL.		
14	august 24, 2011 mary Elizabeth Sladek		
15	FOREMERSON		
16	MELINDA HAAG		
17	United States Attorney		
18			
19	JEFF NEDROW		
20	San Jose Branch Chief		
21			
22	(Approved as to form:		
23	AUSA O'CUNNELL		
24			
25			
26			
27			
28			

INDICTMENT

AO 257 (Rev. 6/78) Case 5:11-cr-00596-LHK Document 1 Filed 08/26/11 Page 4 of 9			
DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT			
BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING	Name of District Court, and/or Judge/Magistrate Location NORTHERN DISTRICT OF CALIFORNIA		
OFFENSE CHARGED			
SEE ATTACHMENT	DEFENDANT - U.S.		
Minor	MARIA HERNANDEZ aka "STELLA"		
Misde- meanor			
PENALTY:	DISTRICT COURT NUMBER		
PENALTY: 2011			
PENALTY: SEE ATTACHMENT AUG 2 6 2011 AUG 2 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	CR11 00596SG		
AICHARD DISTRICT CALIF	DEFENDANT		
CLERRI DI SAN JOSE	IS NOT IN CUSTODY		
Name of Complaintant Agency, or Person (&Title, Frank)	Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges		
	2) Is a Fugitive		
person is awaiting trial in another Federal or State Court, give name of court	3) Is on Bail or Release from (show District)		
this person/proceeding is transferred from another			
district per (circle one) FRCrP 20, 21 or 40. Show	IS IN CUSTODY		
	4) On this charge		
this is a reprosecution of	5) On another conviction		
charges previously dismissed which were dismissed on SHOW	6) Awaiting trial on other Fed'l State		
motion of: U.S. Att'y Defense	If answer to (6) is "Yes", show name of institution		
this prosecution relates to a pending case involving this same	Has detainer Yes \ If "Yes"		
defendant MAGISTRATE	Has detainer		
before U.S. Magistrate regarding	Month/Day/Year		
this defendant were recorded under	DATE OF ARREST		
Name and Office of Person	Or if Arresting Agency & Warrant were not		
Furnishing Information on MELINDA HAAG THIS FORM	DATE TRANSFERRED Month/Day/Year		
U.S. Att'y Other U.S. Agency	TO U.S. CUSTODY		
Name of Asst. U.S. Att'y (if assigned) THOMAS M. O'CONNELL	This report amends AO 257 previously submitted		
ADDITIONAL INFOR	RMATION OR COMMENTS		
PROCESS:			
SUMMONS NO PROCESS* WARRANT Bail Amount: NO BAIL If Summons, complete following: Arraignment Initial Appearance *Where defendant previously apprehended on complaint, no new summons			
			Defendant Address:
	Date/Time:		
	Before Judge:		
Comments:	Δ1		

ATTACHMENT TO PENALTY SHEETS

U.S.

v.

MARIA HERNANDEZ aka "STELLA" and ADRIAN GAMINO

Count One: 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute and Distribute Methamphetamine (all)

i Imprisonment:

5 years mandatory minimum

40 years maximum

ii. Fine:

maximum \$ 5,000,000

iii. Supervised release:

mandatory minimum 4-year release

life maximum

iv. Special assessment:

\$100

If 21 U.S.C. § 851 Information alleging one prior felony narcotics conviction FILED:

i Imprisonment:

10 years mandatory minimum

life imprisonment maximum

ii. Fine:

maximum \$ 5,000,000

iii. Supervised release:

mandatory minimum 8-year release

life maximum

iv. Special assessment:

\$100

Counts Two: 21 U.S.C. §§ 841(a)(1) & 841(b)(1)(B)(viii) - Possession with Intent to Distribute and Distribution of Methamphetamine (all)

i Imprisonment:

5 years mandatory minimum

40 years maximum

ii. Fine:

maximum \$ 5,000,000

iii. Supervised release:

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life maximum

iv. Special assessment:

\$100

Case 5:11-cr-00596-LHK Document 1 Filed 08/26/11 Page 6 of 9

i Imprisonment: 10 years mandatory minimum

life imprisonment maximum

ii. Fine: maximum \$ 5,000,000

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life maximum

iv. Special assessment: \$100

	ent 1 Filed 08/26/11 Page 7 of 9		
DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT			
BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING	Name of District Court, and/or Judge/Magistrate Location NORTHERN DISTRICT OF CALIFORNIA		
OFFENSE CHARGED	THE STATE OF THE S		
SEE ATTACHMENT Petty	DEFENDANT - U.S.		
Minor Misde-	ADRIAN GAMINO		
PENALTY: SEE ATTACHMENT RICHARD W. WIEKING PENALTY: SEE ATTACHMENT RICHARD W. WIEKING CLERK U.S. TRICT OF CALIFORNIA ROPTHERN DISTRICT OF SAN JOSE NORTHERN DISTRICTOR NORTHERN DISTRICTOR	DISTRICT COURT NUMBER		
PENALTY:	OOFOG		
SEE ATTACHMENT CLERK DISTRICTORS	R11 00596		
SEAL THE COUNT	DEFENDANT		
PROCEEDING	IS NOT IN CUSTODY Has not been arrested, pending outcome this proceeding.		
Name of Complaintant Agency, or Person (&Title, if any) ATF	If not detained give date any prior summons was served on above charges		
Was trial in grather Endard or State	2) Is a Fugitive		
person is awaiting trial in another Federal or State Court, give name of court	3) Is on Bail or Release from (show District)		
this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District	IS IN CUSTODY 4) On this charge		
this is a reprosecution of charges previously dismissed	Awaiting trial on other Fed'l State		
which were dismissed on motion of: U.S. Att'y Defense	If answer to (6) is "Yes", show name of institution		
this prosecution relates to a pending case involving this same defendant MAGISTRATE	Has detainer Yes If "Yes" give date		
prior proceedings or appearance(s) Defore U.S. Magistrate regarding this defendant were recorded under	DATE OF Month/Day/Year		
	ARREST 7		
Name and Office of Person Furnishing Information on MELINDA HAAG THIS FORM	Or if Arresting Agency & Warrant were not Month/Day/Year DATE TRANSFERRED		
U.S. Att'y Other U.S. Agency	TO U.S. CUSTODY		
Name of Asst. U.S. Att'y (if assigned) THOMAS M. O'CONNELL	This report amends AO 257 previously submitted		
	MATION OR COMMENTS —		
PROCESS: ☐ SUMMONS ☐ NO PROCESS*	ANIT Dell American are not to		
SUMMONS NO PROCESS* ✓ WARRA	ANT Bail Amount: NO BAIL		
Agraignment Initial Annearance *Where	defendant previously apprehended on complaint, no new summons		
Defendant Address:	ant needed, since Magistrate has scheduled arraignment		
	Date/Time:		
	Before Judge:		
Comments:			

ATTACHMENT TO PENALTY SHEETS

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10 years mandatory minimum

life imprisonment maximum

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Counts Two: 21 U.S.C. §§ 841(a)(1) & 841(b)(1)(B)(viii) - Possession with Intent to Distribute and Distribution of Methamphetamine (all)

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40 years maximum

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maximum \$ 5,000,000

iii.

Supervised release:

mandatory minimum 4-year release

life maximum

iv.

Special assessment:

\$100

If 21 U.S.C. § 851 Information alleging one prior felony narcotics conviction FILED:

12

10 years mandatory minimum life imprisonment maximum Imprisonment:

maximum \$ 5,000,000 Fine: ii.

mandatory minimum 8-year release Supervised release: iii.

life maximum

\$100 Special assessment: iv.